

02



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,371	03/30/2001	Yuichi Taguchi	37016.00185	7629
30256	7590	07/26/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 600 HANSEN WAY PALO ALTO, CA 94304-1043			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,371

Applicant(s)

TAGUCHI ET AL.

Examiner

Annan Q. Shang

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/04/05 have been fully considered but they are not persuasive.

With respect to claims 1-20, rejected under 35 U.S.C. 102(e) as being anticipated by **Alexander et al (6,177,931)**, applicant argues that, "Since Alexander does not describe different types of media as recited in the independent claims... submits that independent claims 1, 6, 10 and 11 and claims 2-5, 7-9 and 19-20, which depend therefrom, are patentable for at least these reasons.

In response, Examiner disagrees. Examiner notes Applicant's arguments, however Alexander teaches where Television receiver 'TVR' 10 receives EPG and programs from different types of media, such as cable, satellite, Internet, etc., and stores and displays the various source identifiers (channel numbers, Channel names, URLs or website address to various Internet websites, col. 8, lines 31-64, col. 18, lines 1-12, lines 48-53 and col. 28, lines 12-21). Further the user can interact to the display, select appropriate identifier and a Processor of TVR 10 connects the user to the appropriate data source to retrieve the information. The amended independent claims 1, 6, 10, 11 and their dependent claims 2-5, 7-9 and 19-20 and the new independent claim 21, do not overcome the prior art or record Alexander, hence a rejection is hereby being made using the same reference Alexander, since Alexander meets all the claimed limitations. This office action is made Final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by **Alexander et al. (6,177,931)**.

As to claim 1, note the **Alexander et al** reference figures 1-4, disclose creation of viewer profile and utilizations of viewer profile information to customize various aspects of the EPG and advertisements and further disclose a web tuner apparatus, comprising:

means for storing (RAM of Television Receiver 'TVR' 10, fig. 1, col. 3, lines 3-7, col. 5, lines 21-28 and col. 16, line 36-col. 17, line 12) identifiers of media sources (channels numbers 'CH 1+', channel names 'CNN, CBS, ESPN, etc., URLs to website on the internet, etc.), the media sources including different types of media (cable, Internet, satellite, etc., col. 8, lines 31-64, col. 18, lines 1-12, lines 48-53 and col. 28, lines 12-21), note that EPG data and the programs can be received via cable, satellite, Internet, etc., and store in the RAM with the various media source identifiers;

means for controlling (Processor/DMA Controller of TVR 10, col. 5, lines 21-53) receipt of media from the source; note that Processor/DMA Controller controls a switch

Art Unit: 2617

to tune to the appropriate source to retrieve information (col. 8, lines 19-35); and means for displaying (Processor and DMA Controller) the identifiers and information about media sources (the program titles, descriptions, etc.,) in single user interface (fig. 1, Display of TVR 10, col. 3, lines 1-20), and for receiving selection (via Remote Controller 26, fig. 2 and col. 3, lines 21-62) of one of the identifiers (CH numbers, names, URLs, etc.,) and

means for receiving media from the media source corresponding to the selected one of the identifiers (col. 3, lines 56-62, col. 7, lines 6-17 and col. 8, lines 19-35), note that the user interacts to Display 10 using RC-26 and tunes to a selected channel to receive the selected program.

As to claim 2, Alexander further discloses where the media sources includes cable television, television broadcast and Internet based information (col. 8, lines 19-43, col. 32, lines 7-22 and col. 28, lines 12-21).

As to claim 3, Alexander further discloses where favorite channel(s), URLs, etc., are stored in RAM in a logical channel table (col. 8, lines 5-35, col. 16, lines 36-50 and col. 30, lines 47-58).

As to claim 4, Alexander further discloses where the means for controlling comprises a channel service interface (TVR 10 display) for a plurality of media types, where the channels are mapped into logical channel values (col. 7, lines 10-17, col. 10, lines 43-60 and col. 30, line 47-col.31, line 14).

As to claim 5, Alexander further discloses where TVR 10 includes a network interface means for providing connectivity to a server (col. 8, lines 44-64).

As to claim 6, note the **Alexander et al** reference figures 1-4, disclose creation of viewer profile and utilizations of viewer profile information to customize various aspects of the EPG and advertisements and further disclose a web station apparatus comprising:

the claimed "means for storing subscriber URL information, the information comprising a of a plurality of hierarchical categories..." is met by EPG Internet web sites (col. 8, lines 18-64, col. 16, line 36-col. 17, line 12 and col. 30, lines 1-16), which stores a viewer favorite website address "URL information" (col. 8, lines 18-64 and col. 18, line 1-12) comprising a plurality of hierarchical categories, Sports, Movies, News, etc., (col. 7, lines 46-56), the categories providing organization of favorite channel(s) for the program "identifiers of media content" for a plurality of media sources including different types of media (cable, Internet, satellite, etc., col. 8, lines 31-64, col. 18, lines 1-12, lines 48-53 and col. 28, lines 12-21), note that EPG data and the programs can be received via cable, satellite, Internet, etc., and store in the RAM with the various media source identifiers;

the claimed "a network interface means for providing connectivity to an Internet" is met by EPG Internet web sites communication port (col. 8, lines 18-43) which includes a communication port for direct link to users of Television Receivers (TVR) 10 or PCs (col. 3, lines 2-20);

the claimed "means for searching the hierarchical categories in the subscriber URL information to find media content of interest and means for providing the content..." is met by EPG Internet web sites Processor (col. 8, lines 18-64, col. 18, line

Art Unit: 2617

1-12 and col. 29, lines 14-67), which searches the themes EPG Internet database to retrieve themes of interest base the selected website address of the user and provides to the user.

Claim 7 is met as previously discussed with respect to claim 2.

As to claim 8, Alexander further discloses where EPG Internet web sites which stores Viewer information comprises one of a plurality of relational categories that organize the media content (col. 8, lines 46-64, col. 29, line 14-col. 30, line 16 and lines 45-58).

As to claim 9, Alexander further discloses storing favorite channel and programs "personal channel information," where the favorite channel table stored locally in RAM or TVR 10 and is mirrored by to enable the viewer to reference the channel table from remote locations (col. 16, line 36-col. 17, line 12 and col. 29, line 31-col. 30, line 16 and lines 45-58).

As to claim 10, note the **Alexander et al** reference figures 1-4, disclose creation of viewer profile and utilizations of viewer profile information to customize various aspects of the EPG and advertisements and further disclose a system comprising:

the claimed "a web station" is met by EPG Internet web sites (col. 8, lines 53-64);

the claimed "a web tuner" is met by Television Receiver (TVR) 10 (col. 3, lines 2-8);

the claimed "a network interface providing connectivity to an Internet, and enabling the web station to be accessed by the tuner" is met TVR 10 communication port (col. 8, lines 44-64) which provides a network interface to the Internet and enables

Art Unit: 2617

the EPG Internet web sites to be accessed by TVR 10; where TVR 10 maintains a copy of at least a portion of the favorite "personal" channel information for one of a plurality of users; and where the EPG Internet web sites maintains a copy of the favorite channel information for at least one of a plurality of users, the personal channel information including personal channel for different types of media (col. 18, line 1-12 and col. 29, line 14-col. 30, line 16 and lines 47-58), note that creating of the viewer's profile includes the viewer's zip code, television, cable, and satellite services to which the viewer subscribes (col. 28, lines 12-21).

As to claim 11, the claimed "a computer-readable storage medium storing program code for causing a computer to..." is composed of the same structural elements of rejected claim 1.

As to claim 12, Alexander further discloses storing the favorite channels in a RAM of TVR 10 (col. 16, line 36-col. 17, line 12).

As to claim 13, Alexander further discloses where the program code forwards from TVR 10 a copy of the viewer profile or favorite channel information "personal information" store to EPG Internet website "a server;" create at the server a copy of the favorite channel information and access the copy of the profile or favorite channel information store to retrieve the favorite channel of programs to be played from TVR 10 "a second location at a later time" (col. 8, lines 37-64, col. 28, lines 10-35 and col. 29, line 31-col. 30, line 16 and lines 45-58).

As to claim 14, Alexander further discloses where the program stores the channel for the program being played and stores in a user watch list (col. 9, line 65-col. 10, line 12).

As to claim 15, Alexander further discloses where the program stores the identifiers in a viewer URL RAM of TVR 10 (col. 8, line 44-64).

As to claim 16, Alexander further discloses where the program stores a viewer favorite website address "URL information" (col. 8, lines 18-64 and col. 18, line 1-12) comprising at least one of a plurality of hierarchical categories, Sports, Movies, News, etc., (col. 7, lines 46-56), the categories providing organization of favorite channel(s) for the program "identifiers of media content" for at least a plurality of channels "sources" of the programs "media streams (col. 29, lines 14-67 col. 16, line 36-col. 17, line 12 and col. 30, lines 1-16);

As to claim 17, Alexander further discloses where the program selects the program to be played and selects one of a plurality of website address corresponding to the related program to be played (col. 8, lines 19-64, col. 18, lines 1-12, lines 33-53 and col. 29, lines 31-col. 30, line 16).

Claim 18 is met as previously discussed with respect to claim 2.

As to claim 19, Alexander further discloses where the program causes an identity of a user and provides a plurality of user favorite channels for the user (col. 17, lines 13-36, col. 8, lines 5-17 and col. 16, lines 36-col. 17, line 12).

As to the claim 20, Alexander further discloses where the program causes

Art Unit: 2617

the TVR 10, to search "scan" the input source for a plurality of available television channels, map the available channels to favorite channels, search the plurality of receivable radio frequencies, map the receivable radio frequencies to the favorite channels search the EPG Internet sources and map the plurality of Internet sources to the favorite channels (col. 8, lines 44-64, col. 18, lines 1-12, lines 33-col. 19, lines 12, col. 29, line 31-col. 30, line 16 and lines 45+).

As to claim 21, note the **Alexander et al** reference figures 1-4, disclose creation of viewer profile and utilizations of viewer profile information to customize various aspects of the EPG and advertisements and further disclose a method, comprising:

receiving a plurality of multimedia streams (Television Receiver 'TVR' 10, fig. 1, col. 3, lines 3-7 and col. 28, lines 12-21) via radio frequency waves (Satellite broadcast); note the the viewers profile includes television, cable and satellite services;

maintaining an internet connection (Processor/DMA Controller of TVR 10, col. 5, lines 21-53 and col. col. 8, lines 31-64); and obtains a list of channels (fig. 1) identifying a list of multimedia streams from the plurality of multimedia streams, note the guide channel numbers (CH 1+) and names (CNN, ABC, ESPN, etc.,) indicates various sources and their programs (col. 7, lines 1-17 and col. 19, lines 38-45);

obtaining a list of URLs (Processor/DMA Controller obtains website addresses, col. 8, lines 44-64 and col. 27, lines 40-48) representing a list of web pages available via the Internet connection;

presenting (Processor/DMA Controller presents guide fig. 1, 3-10) and the list of channels and the list of URLs (web addresses, see icon I) in a single user interface

Art Unit: 2617

(TVR 10 Display) as a list of identifiers (channel numbers and names), the user interface enabling a user to select (using RC 26, fig. 2, col. 2, lines 21-55 and col. 16, lines 42-50) to select an identifier from the list of identifiers;

receiving selection of an identifier (Processor/DMA Controller) and controlling access to the multimedia stream or web page based on the selected identifier (col. 3, lines 56-62, col. 7, lines 6-17 and col. 8; lines 19-35).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishioka et al (6,785,905) disclose television transmitter, television transmitting method, television receiver and television receiving method.

Broberg (6,529,680) discloses device for selecting and controlling a plurality of signal sources in a television system.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2617

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

Annan Q. Shang



VIVEK SRIVASTAVA
PRIMARY EXAMINER